

Changes incorporated or addressed from Public Comment & Public Hearing
Zoning Code Revision
5-29-06

1. Definitions section:

Add: *Storage-Outside:* The display, sale, and/or keeping for longer than twenty-four hours of any material, merchandise, vehicles or other goods outside of an enclosed building or structure.

Add: Amusement Places: A facility that may include structures and buildings where there are various devices for entertainment. This may include, but not be limited to: rides, booths for the conduct of games or sale of items, motorized vehicles, miniature golf, batting cages, driving ranges, studios, shows and other types of indoor and/or outdoor entertainment.

2. Section 8-133 (a)

Change: “The nonconforming use of any structure or portion thereof may be occupied by a similar or less intense nonconforming use as determined by the Planning Commission, subject to appeal to the Board of Zoning Adjustment. No building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use.”

To: “The nonconforming use of any structure or portion thereof may be changed for occupation by a different nonconforming use if approved by the Planning Commission, subject to appeal to the Board of Zoning Adjustment. If the change is approved, the previous nonconforming use may not be resumed unless approved by the Planning Commission.”

3. Change: “**Sec. 8-135. Accessories to Primary Nonconforming Uses.** Addition of, or enlargement, alteration or relocation of, accessories which are incidental to and accommodate the primary nonconforming use may be permitted if, after notices and public hearing and recommendation by the Planning Commission, the City Council finds that the accessory promotes the public health, safety, and welfare and does not expand or enlarge the primary nonconforming use.”

To: “**Sec. 8-135. Accessories to Primary Nonconforming Uses.** Addition of, or enlargement, alteration or relocation of, accessories which are incidental to and accommodate the primary nonconforming use may be permitted, after notices and public hearing and approval by the Planning Commission.”

4. Change: “**Sec. 8-136. Damage and Destruction.** If a nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by natural disaster, fire, or other casualty, the structure may be repaired or reconstructed and used for the same purpose as it was before the occurrence, with an approved variance request.”

To: “**Sec. 8-136. Damage and Destruction.** If a nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by natural disaster, fire, or other casualty, the structure may be repaired or reconstructed within a twelve month period from the date of the damage and used for the same purpose as it was before the occurrence. Damage of 50% (fifty percent) of the value or greater will constitute new construction and shall conform to building design or overlay requirements.

5. Change: Sec. 8-143. Zoning District Boundary Map

To: Sec. 8-143. Zoning District Map

Change: (same section)

“(c) If, in accordance with the provisions of these regulations, changes are made in district boundaries or other data portrayed on the official zoning map, such changes shall be made on said map within thirty (30) days after the amendment has been approved by the City Council”

To: “(c) If, in accordance with the provisions of these regulations, changes are made in district boundaries, zoning or other data portrayed on the official zoning map, such changes shall be made on said map as soon as possible, but not more than thirty (30) days after the amendment has been approved by the City Council.”

6. Change: “8-132: (b) Whenever a nonconforming use of a structure or part thereof, has been discontinued or abandoned for a period of six months or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

(c) Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.”

To: “(b) Whenever a nonconforming use of a structure or part thereof, has been discontinued or abandoned for a period of six months or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district. Exception: an extension of 6 months may be granted by Planning Department in cases of extended illness or other delay when it is expected that the use will resume within the additional 6 month period.

(c) Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner. Exception: an extension of 6 months may be granted by Planning Department in cases of extended illness or other delay when it is expected that the use will resume within the additional 6 month period.”

7. 8-144 Change: “(f) In areas that are contiguous with border cities, the zoning must be compatible with the neighboring town and zoning will not become effective until compatibility is agreed with neighboring city, town or entity.”

To: “(f) In areas that are contiguous with border cities, the zoning must be compatible with the neighboring town and zoning will not become effective until written agreement of compatibility is received from neighboring city, town or entity as required by state law. It is the responsibility of the applicant for rezoning to submit the approving resolution from the neighboring city, town or entity as part of the application package before the rezoning request can be heard by the Planning Commission..

8. 8-151 #1 change: “1. **A, Estate Single-Family District.** The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to help preserve rural character and existing agricultural resources.”

To: “1. **A, Estate Single-Family District.** The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to help preserve rural character and existing agricultural resources. Minimum lot size is 1 acre.”

9. Remove 8-159 Sign ordinance and Overlay district ordinances from this Zoning Code. They will remain as separate ordinances and do not need to be included in this document as they were not revised at this time.

10. Schedule of uses changes:

Add:

Office - General use, not otherwise specified "P" in Commercial and "C" in Town Center
Athletic Organization Offices "P" in Commercial
Attorneys "P" in Commercial
Beauty Salons – Equip & Supplies "P" in Commercial
Blueprinting office "P" in Commercial
Contractor office "P" in Commercial
Diamond Brokers "P" in NO, BP
Hearing Aids & Hearing Assistive devices "P" in NO
Labor Organization Office "P" in Commercial
Modeling agencies "P" in Commercial
Nutritionist "P" in Commercial and "Retail Office"
Occupational Safety & Health "P" in Commercial
Office, general use, not otherwise specified "P" in Commercial
Real Estate Agents "P" in Commercial

Change:

Chambers of Commerce from "C" to "P" in Commercial
Child Care & Preschool from "C" to "P" in Commercial
Child Care Facilities from "C" to "P" in Commercial
Church/Religious Organization Meeting Space from "C" to "P" in Commercial
Day Care Centers – Adult from "C" to "P" in Commercial
Day Care Centers – Child from "C" to "P" in Commercial
Dry Cleaners from "C" to "P" in Commercial
Fitness Centers from "C" to "P" in Commercial
Health Club from "C" to "P" in Commercial
Hotels from "C" to "P" in Commercial
Motels from "C" to "P" in Commercial
Gymnastics instruction from "C" to "P" in Commercial
Physical Therapy from "C" to "P" in Commercial
Propane gas- liquefied petroleum- bottled sale to "C" in NS, R/O, R, C and LI
Propane gas- wholesale, bulk & refill to "C" in C and LI
(Remove Gas- liquefied petroleum and gas-propane wholesale and bulk from the schedule as a repeat)
Real Estate Schools from "C" to "P" in Commercial
Restaurants-Carry Out Foods/Fast Food from "C" to "P" in Commercial
Remove Water-Bottled Sales entry
Remove go-kart tracks entry
Remove golf courses private/public
Physical Therapy to "P" in R/O and add "P" in Commercial
Guns-Retail Add "P" in Commercial
Gunsmiths Add "P" in Commercial
Hospitals Change to "C" in Commercial and BP
Massage therapists to "P" in Commercial